

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: DUNG TRUNG DUONG d/b/a	:	CHAPTER 13
D-NAILS	:	
Debtor	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
DUNG TRUNG DUONG d/b/a	:	
D-NAILS	:	
Respondent	:	CASE NO. 1-19-bk-04382-HWV

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, this 19<sup>th</sup> day of December 2019, comes Charles J. DeHart, I, Standing Chapter 13 Trustee by and through his attorney James K. Jones, and moves this Honorable Court for dismissal of the above case for the following reasons:

1. Debtor filed the instant case on October 9, 2019.
2. The Debtor is engaged in the business of owning a nail shop.
3. At the meeting of creditors, Trustee requested verification of certain information including liability insurance by way of a Business Debtor Examination Report.
4. Debtor has unreasonably delayed in forwarding the required information to the Trustee, therefore, the Trustee has been unable to properly administer and protect the estate to date, which is prejudicial to creditors in that if during the course of the plan, the Debtor is found liable for an injury to employees or other injured parties, and it is found Debtor is not insured to cover the loss, the business will be adversely affected which will adversely affect the creditors who stand to receive payment if the plan is completed as proposed.
5. The continued operation of the Debtor's business without verification of said information, including proper insurance, threatens the health and safety of Debtor's employees and the public to the extent that the Debtor is unable to compensate the injured parties.

6. Having insurance for liabilities will preserve the estate for the benefit of creditors if the case is converted to Chapter 7.

WHEREFORE, your Trustee respectfully requests this Honorable Court to require Debtor provide the required information to the Trustee by way of the Business Debtor Certification and to be insured for business liability and worker's compensation, or the case should be dismissed.

Respectfully submitted,

Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive - Ste. A  
Hummelstown, PA 17036  
717-566-6097

BY: /s/ James K. Jones  
Attorney for Trustee

CERTIFICATION OF SERVICE

AND NOW, this 19th day of December 2019, I, Amy S. Powell, hereby certify that I served a copy of the Trustee's Motion to Dismiss either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

Charles E. Petrie, Esquire  
3528 Brisban Street  
Harrisburg, PA 17111

Dung Trung Duong dba  
D-Nails  
4226 Prosperous Drive  
Harrisburg, PA 17112

/s/ Amy S. Powell  
Paralegal to Charles J. DeHart, III  
Standing Chapter 13 Trustee

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D-NAILS :  
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: CASE NO. 1-19-bk-04382-HWV  
:  
: MOTION TO DISMISS CASE

NOTICE TO PARTIES

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss Case.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Building 228 Walnut Street, Room 320 Harrisburg, PA 17108	Date: January 22, 2020  Time: 9:30 AM

Any objection/response to the above referenced matter must be filed and served on or before:  
**January 2, 2020.**

If service was properly made and Respondent(s) fail to file an objection/response by the above specified date, the Court **may** determine after review of the Motion that no hearing is required and grant the relief requested.

If a default order has not been signed and entered, the parties or their counsel are required to appear in Court at the hearing on the above date and time.

Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Fax: (717) 566-8313  
E-Mail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: December 19, 2019

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vs.	:	
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DUNG TRUNG DUONG d/b/a	:	CAE NO. 1-19-bk-04382-HWV
D-NAILS	:	
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ORDER

Upon consideration of the Trustee's Motion to Dismiss,

IT IS HEREBY ORDERED that the above-captioned bankruptcy is dismissed.